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SURFACE TRANSPORTATION BOARD

Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

August 28, 2003

John F. McHugh, Esq.
6 Water Street
Suite 401
New York, NY 10004

Re: Finance Docket 34391, New England Transrail Proposed Acquisition
and Construction and Operation in Wilmington and Woburn,
Massachusetts; Request for a Waiver of the Six-Month Prefiling
Notice

Dear Mr. McHugh:


Pursuant to 49 CFR 1105.10(c), we are granting your request of August 22, 2003, for a waiver of the six-month prefiling notice generally required for construction projects under CFR 1105.10 (a)(1). Your request to waive the six-month prefiling notice requirement is approved because the proposed acquisition, rail line construction, and operation project appears to be limited in scope and preliminary studies provided by New England Transrail (NET) and the Massachusetts Department of Environmental Protection indicate that the proposed project would likely not result in significant environmental impacts.

At the consultation meetings in June and July with the Section of Environmental Analysis (SEA), NET's representatives provided SEA staff with a description of the proposed project, including maps depicting the proposed route, proposed operations, commodities to be carried, and some potential environmental impacts associated with the project. NET's representatives explained that NET proposes to construct and operate a new 4,000 foot rail line on land to be acquired from Olin Corporation (Olin Property), and acquire, reinstall and operate approximately 2,500 feet of track on adjoining railroad property west of the Olin Site that NET plans to acquire, lease or otherwise contract for use from the Boston and Maine Corporation of the Guilford Rail System and build and reinstall approximately 1,000 feet of track on land east and south of the Olin Property. SEA understands that a reload center with two "sprung" structures is proposed as part of the project.

Also, at the consultation meetings, SEA staff provided you and NET's representatives with a general overview of the Board's environmental review process, SEA's role in conducting the environmental review, and the role of third-party contractors. In addition, SEA highlighted its public outreach as well as the role of the public, including Federal, state and local agencies, parties of record, communities and other interested parties in the environmental review process.

As a result of the consultation meetings, supplemental information provided in response to our request and our review of all available information, SEA believes that it has adequate information and NET is sufficiently aware of the environmental process to grant this request. If we can be of further assistance, please feel free to contact me or Phillis Johnson of my staff at 202-565-1530.

Sincerely,



Victoria Rutson
Chief
Section of Environmental Analysis